

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DR. ERNESTO A. LEE</b>  <b>v.</b>  <b>UNIVERSITY OF PENNSYLVANIA, SCHOOL OF DENTAL MEDICINE, DR. DANA GRAVES, and DR. MARK WOLFF</b>	<b>CIVIL ACTION</b>  <b>NO. 19-835</b>
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**ORDER RE: MOTION TO DISMISS**

**AND NOW**, this 27th day of August, 2019, upon consideration of Defendants’ Motion to Dismiss (ECF 5), the Response and Reply thereto (ECF 6, 7), and for the reasons stated in the foregoing Memorandum, Defendants’ Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Plaintiff’s claims under the Americans with Disabilities Act (“ADA”) and Title VII of the Civil Rights Act (Counts I and II) against Defendants Graves and Wolff are **DISMISSED** with prejudice;

2. Plaintiff’s claims of disability discrimination under the ADA and the Pennsylvania Human Relations Act (“PHRA”) against Defendant University of Pennsylvania, School of Dental Medicine (Counts I and III) are **DISMISSED** without prejudice, and with leave to amend;

3. As to Plaintiff’s Title VII and PHRA claims based on national origin discrimination (Counts II and III) against Defendant University of Pennsylvania, School of Defendant Medicine, Defendants’ Motion is **DENIED**;

4. As to Defendants Graves and Wolff, Plaintiffs claims under the PHRA (Count III) are **DISMISSED** without prejudice, and with leave to amend; and

5. Plaintiff's defamation claim (Count IV) is **DISMISSED** without prejudice, and with leave to amend.

6. As to the claims dismissed without prejudice, Plaintiff is granted leave to amend the Complaint within fourteen (14) days.

**BY THE COURT:**

**/s/ Michael M. Baylson**

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**MICHAEL M. BAYLSON, U.S.D.J.**